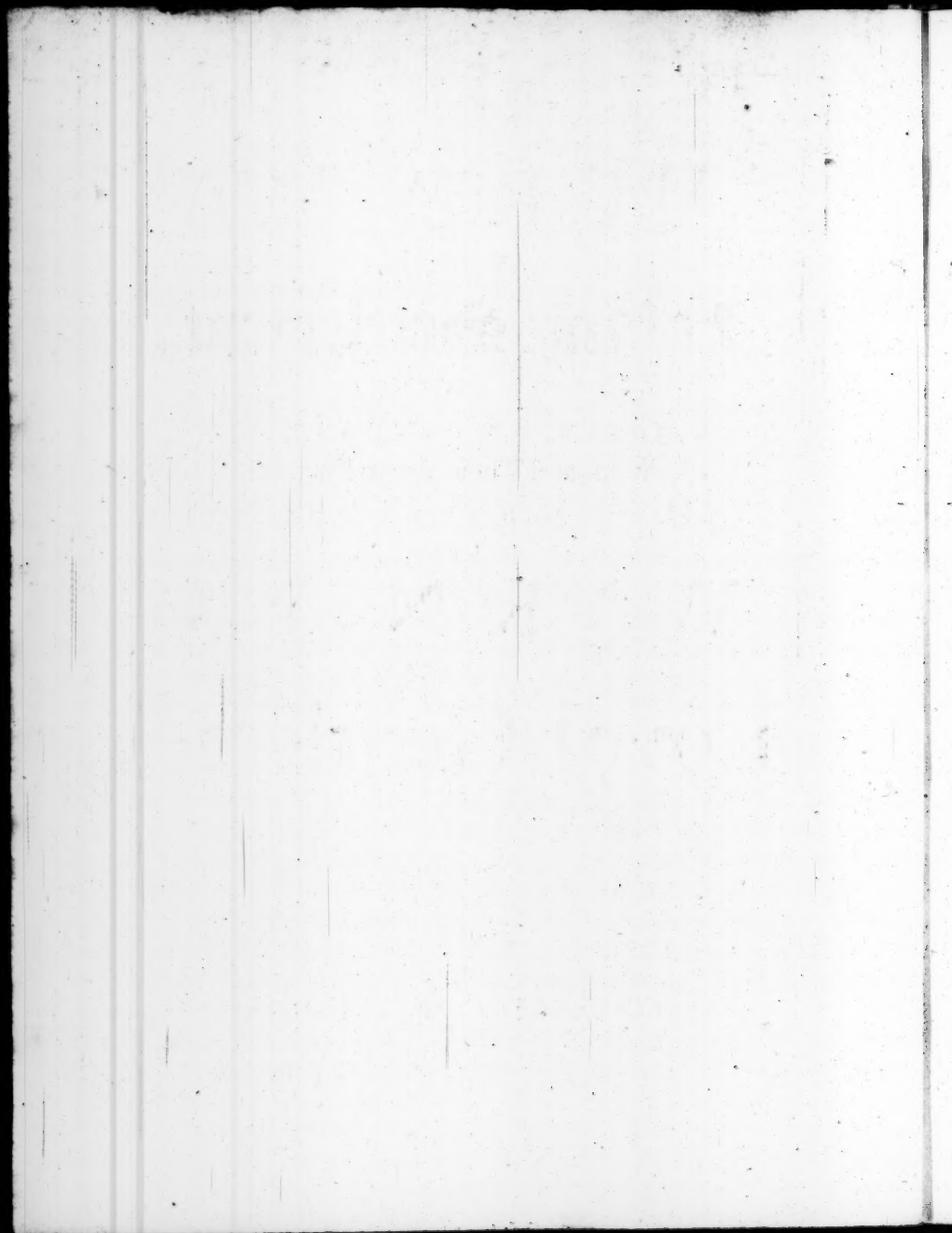


A
SHORT WAY
TO A
Lasting Settlement:
SHEWING,
I. That Parliaments are not Infalible.
II. Who are Their great Enemies.
III. How to Redeem their Reputation.
WITH A
WARNING
TO ALL
Loyal Gentlemen
AND
Freeholders,
In a LETTER to
Fanaticus Ignoramus.

London, Printed for Robert Clavel, 1683.



A
Short Way
 TO A
Lasting Settlement.

SIR,

I Perceive you are soon mov'd into Passion, and can grow Angry upon such a score as will much more reflect upon your self, and the *Party* you have espoused. You pretend I am an *Enemy to Parliaments*; When really I am a much more hearty friend to them, than they are, or you your self, as shall be clearly Demonstrated before I take leave of you.

But I desire you to consider well what you mean by the word *Parliament*, that you may not (as too many *Zealots* do) mistake the Word for the Thing it self. The Parliament of *England* is the Assembly of the *King*, and the *Three Estates* of the Kingdom, (which are the Lords *Spiritual*, the Lords *Temporal*, and the *Commons*) to debate matters of emergent Difficulty touching the *Common-Weal*; and to decide and settle them by mature advice to the best advantage thereof.

Now the King being the *Head* of this Parliament (without whom it cannot so much as have a being, in the right Notion and true Nature of a Parliament) I hope I shall not be accounted an *Enemy*, at least to His *Majesty*, having served Him and his *Royal Father* of ever Blessed Memory, as well in the times of War as Peace, for Forty years together.

Take a Parliament in the right Notion and just Constituti-

De Repub. Anglor. l. 2. c. 2.

on of it; and I am ready to subscribe to the sense of that great *States-Man*, Sir *Thomas Smith*, in the Character he gives of this Supream Court, "*In comitiis Parliamentariis, &c.* The "most high and absolute Power of the Realm of *England*, consisteth in the Parliament; for the Parliament abrogateth old "Laws, maketh New, giveth Order for things past, and for "things hereafter to be followed; changeth the Rights and Possessions of private Men; Legitimath Bastards, Corroborates "Religion by Civil Sanctions, Alters Weights and Measures; "*Prescribes and determines the Right of Succession to the Crown*, "defines doubtful Rights where there is no Law already made, &c. The Wisdom and Learning of the Kingdom supposed, in a great Measure, to be Assembled here, the Parliament may very well be able to resolve and assign, where *The Right of Succession is*, in doubtful Cases; But they can no more make a just Title of a bad One, or a lawful Prince of an Usurper, than they can make a Man a Woman.

The King (we say, and the Law says so too) *can do no wrong*: But 'twas never said so of the *Three Estates* of Parliament. And if these do amiss, surely, I may justly be displeas'd at them, when they do so, and yet be no enemy to the Constitution. I may blame my Child, my Wife, and yet have a very tender Affection for them. But we must remember 'tis the Assembly *Entire*, and made up of all its *Constituent* Parts that we must value. Divide the *Estates* from their *Head*, or from one another, and you dissolve the Government. And when they are well *United*, and act *regularly* by common Suffrage and Consent, yet they are not inspired, they Act as men, and we are to attribute no more to them, we are to expect no more from them, then to and from a *Humane Constitution*.

But the Author you alleadge, seems to make a Parliament *Infalible*; else how can he so confidently alleadge what they have done, to Evince the *Legality* of whatever they shall do hereafter? Does Matter of *Fact* always conclude a certain *Right*? He is a very ill *Logician* that so argues. For if this Rule were granted, the blackest Villanies that Hell can invent or hatch, such as have fill'd the Age that did them with shame and horror, may be defended; all the most execrable Rebellions, Usurpations, Deposings of Princes, and Regicides, that have been

been Committed or done by Parliaments, even by that of *Forty-One* are to be justified; and not only so, but become fair *Precedents* to encourage the like hereafter. And to this purpose are all those *Precedents* produced by the *Tory-Plot-Maker* to destroy *Succession*.

And if all that a Parliament does (that is, the *Prime* with the assent of the *Three Estates*) be warrantable, just and good, then the establishment of *Papery* in the dayes of Queen *Mary* was so too; and this Gentleman, who is so good at alledging *Precedents*, may be as well furnished perhaps with precedents on that side, if he had occasion for it. But if that were ill done by Queen *Mary* and her Parliament, it follows undeniably, that all Parliamentary proceedings are not warrantable, nor their Acts to be drawn into example.

The Gentleman should distinguish betwixt a Power that is *Uncontroulable*, and that which is *Infalible*. An *Uncontroulable* Power may be damnably Wicked, (so was *Cromwells*;) but an *Infalible* Power cannot be so. Indeed an *Uncontroulable* Power can take no wrong (while it continues uncontroulable;) but an *Infalible* Power can do none. A Parliament, because it is the *Supream Court*, is not Subject to *Coercion*; but for all that, it may do great, very great Injustice, and so be very blameable upon that account. If they were *Infalible*, what need such canvassing at *Elections*, and at *Committees* about them afterwards? Why such shuffling and cutting to pack the *Cards*, and get a suit of Members into the House, to make sure our own Game? 'Tis but sitting down in their seats (as the *Pope* does in his Chair) and pass a *Vote*, and the business is done. All is just, if They be *Infalible*: But God knows 'tis far otherwise. This is Solemnly acknowledged by the Lord *Hollis* in his last *Effort*, and he cites Law for it in his *Remaines* (p. 60.) where He saith, "The Authority of any one Parliament I know to be very great, yet it is a known Maxime in the Law, *Parliament pot Errer*, "A Parliament may err; and another Parliament may mend, "what one doth amiss; Parliament-Men are Men, and may and "do sometimes Mistake as well as other Men. Thus that Lord "hath ingenuously acknowledged; and Mr. *Selden* tells us, "that *Anne Peirce* was unjustly convicted in a Parliament of "50. E. 3. and that the then *Speaker* of the *Commons* did confess it.

But

Of Judicat. in
Parl. P. 22.

But to come neerer home to our selves; A Party in both Houses had a Design to take away the Life of the Earl of Strafford; but their Evidence was not sufficient in a judicial way, and according to the due Forms of Law. "Hereupon they call in the *Legislative* Power to their Assistance; That they might proceed against him by the light of their own Consciences, without any further Proof or Testimony. But knowing of what dangerous consequence it might be hereafter, to the Lives and Fortunes of themselves and their Posterity; They added a *Clause* to the *Bill*, that it should not be drawn into example hereafter. *Habemus Legem*; We have a Law, and by that Law He ought to Die. The very Malice of the Jews could admit of so much Justice: But *feramus Legem*, Let us Make a [New] Law, to take away his Life; This is little less than Barbarous. And whether it be a greater instance of Injustice to Suborn Witnesses to Prove a deadly Crime against the Innocent; Or, to Frame a New Law on purpose to make him Guilty, I shall not determine: But sure I am, the late *Royal Martyr* of Blessed Memory, suffer'd much in the Remorse of Conscience, for passing that *Bill* into a Law, as is evident in his *Divineſt Meditations*. Having reckoned up the Heads of his Accusation, They Enact, That he stand adjudged and attainted of High Treason, that he shall suffer Death, and forfeit all his Goods and Chattels, Lands and Tenements, &c. But then, as a Conviction of their own injustice in the Case, they add this Clause: viz. Provided that no Judge, or Judges, Justice or Justices whatsoever, shall adjudge or interpret any Act or Thing to be Treason, nor hear or determine any Treason, nor in any other manner, then he or they should or ought to have done before the making of this Act, and as if this Act had never been made. Thus have we Treason and no Treason in the self-same action; that being judged Treason in this one man, which never was to be judged Treason in any other, as Dr. Heylen well observes.

Besides, we know the Lords and Commons, yea and the Commons alone, nay a part, the worst and most factious part of them, have usurpt the power of all the Three Estates, and then Depos'd and Murdered their Prince; and shall any Subject dare to assert this to be Justifiable; and alledge that it has been done; and therefore 'tis Lawful to do't again? yet this is the Sum of that doubtful Argument which that Loyal Gentleman so much triumphs in.

If

ERRATA.
on the Earl
of Straffords
Death.

Observat. on
the History of
the Reign of
K. Charles p.
231. &c.

If you talk of *Real Enemies* to Parliaments, certainly they are the worst and greatest, who turn *them* into *Idols*, affect and Admire them beyond the measure of a *Humane-Creature*, and commit at least, such *Civil Idolatry* with them, as makes them not only suspected to aspire above the *Spheare* of *Representatives*: but really to become a *Burden* to Prince and People, and indeed a greater *Grievance* than any they are contented or intrusted to redress.

'Tis not to be denied, the Parliament is the *Supream-Court* of the Kingdom, (when they are in conjunction with their Sovereign) and therefore *uncontroulable* while they are so: But when they act against their Prince, the fundamental Laws, and the established Government, then they are not the *Supreme-Court*: but a *Faction*, that sets up it self against it: And tho' their Numbers and Combinations may make them *uncontroulable* and secure for a time, yet really they are not unaccountable either before God or man; and I am sure 'tis an ill Precedent to the *Prerogative* of Authority to let them finally go unpunished.

How undutiful and uneasy they have been to their *Sovereigns*, is not to be reported in these Papers, because not to be comprised in so short a *Pamphlet* as I design to publish. But that Learned *Divine* and Great *Historian* of a deep and piercing judgment, has a witty observation upon *King James*. Our *Chroniclers* saith He, tells us of *King James*, that at his first coming to the Crown of *England*, "He used to go often to the *Tower*, to see the *Lyon* (the reputed King of Beasts) baited, sometimes by *Dogs*, and sometimes by *Horses*; which I could never read, saith He, without some regret; the baiting of the King of Beasts seeming to me an ill Presage of those many baitings, which He (a King of Men) found afterwards at the hands of His Subjects.

But the *baitings* of that King of happy Memory was but *Sport* in comparison of what his *Son* and *Successor*, *Charles* the first suffered under them. And I shall content my self in transcribing some few particulars of the Account that is given thereof, by that judicious and knowing *Observer*.

Never did any Prince so often *Vail his Crown* to his People; which (as he observes) served to no effect, but to make them the more insolent and imperious. After many indignities and provo-

Dr. Heyken
Observat. on
the Hist. of the
Reign of K.
Charles. Pag.
28. Printed
1656.

Of the Reign
of K. Charles.
fol. 132.

Ibid P. 92, &c.

provocations given him by the disorder and tumultuous Carriage of some Members (which you may read, very handsomely and ingenuously described at large, in Mr. *H. L'eftrange* his *History*) His Majesty was forced to dissolve that Parliament; and it seems it was the opinion of most men, that the dissolution of that Parliament, was the end of All: "And certainly, saith Dr. *Heylyn*, there was very good reason why it might be thought "so, the King never having good Success in any of his Parliaments, since his first coming to the Crown; and withall having an example before his eyes, of the like discontinuance of assembling the *Three Estates* in the Realm of *France*, by the King then Reigning, and that upon far less provocations than were given King *Charles*. For whereas in an Assembly of the *Three Estates Anno. 1614.* the *Third Estate*, which represents our House of *Commons*, entrenched too busily upon the liberties of the *Clergy*, and some preheminiencies and exemptions which the Nobility enjoyed by the favour of some former Kings; it gave the King so great offence, that he resolved, first to Dissolve them, and never after to be troubled with the like Imperinencies. Nor was there since that time any such Assembly, nor like to be hereafter in the times ensuing; those Kings growing weary of that yoke, which that great Representative did endeavour to impose upon them. But because he would not cut off all communication betwixt himself and his people, he ordained another kind of meeting in the place thereof, which he called *La Assemblée des Notables*, that is to say, The Assembly of some Principal Persons; composed of some Selected Persons out of every Order or Estate (of his own Nomination) whereunto should be added some Counsellor out of every Court of Parliament, (of which there are eight in all in *France*) throughout that Kingdome; which being fewer in number, would not breed such a confusion, as the general Assembly of the States had done before, and be withall more pliant and conformable to the Kings desires; and yet their Acts to be no less obliging to all sorts of People than the other were. Such an Assembly as this (but that the *Clergy* had no vote in it) was that which was called here by the Lord Protector, immediately after the dissolving of the late long Parliament, who possibly had his hint from this Institution. And this may teach all Parlia-

“Parliaments in the times Succeeding, to be more careful in
 “their Councils, and use more moderation in pursuance of them;
 “especially when they meet with an armed Power, for fear
 “they should not only interrupt, but cut off that Spring, from
 “whence the Blessings both of Peace and Happiness, have for-
 “merly been derived on this Church and State. No man
 “can love his fetters tho they be of Gold. If therefore *Par-*
 “*liaments* should find no way to preserve the *Liberty* of the
 “people, but to put fetters on the *Prince* or *Power* that calls
 “them; if from being *Counsellors*, at the best they shall prove
 “*Controulers*; they must blame no body but themselves in case
 “they should be discontinued for the time to come. In the
 “mean time that saying of *Paterculus* may be worth their no-
 “ting, *Non turpe est ab eo vinci, quem vincere esset nefas*; it is
 “no shame to submit to those, whom it were sin to overcome.
 Thus farr that discerning *Doctor*.

How they used His Majesty in the Case of *Ship-Money*, Heylyn 18. P.
 “ought not to be forgotten; yet the opinion of the legality of 219.
 “it was so fixed in the minds of many understanding Men,
 “that it could not easily be removed: 1. In regard of the
 “great learning and integrity of the man, by whom it was
 “first set on foot. 2. Because all the Judges had subscribed
 “unanimously to the Lawfulness of it in time of danger, of
 “which danger the King was declared to be the Judge. 3. Be-
 “cause being brought to a publick Trial, after it had been
 “argued by the Council on both sides, in the Court of Justice,
 “and by all the Judges in the Exchequer-Chamber, there
 “passed a definitive sentence for it on behalf of the King.
 “4. Because voted down by the Houses of Parliament in a more
 “*Arbitrary* way, than was expected without being brought to a
 “review, neither the Kings Council being heard, nor the judges
 “called to shew the Reasons of their Opinions. 5. Because
 “it was ordered by the House of *Commons*, that the *Arguments*
 “of Justice *Crooke* and Justice *Hutton* for the illegality there-
 “of should be put in Print: those of the other Eight * Judges which
 “were for the legality of it, continuing suppressed; which gave
 “occasion to most men to think, that there was more reason
 “for it in those Arguments, then was thought fit to see the

* These are
 now publisht
 in the *Annals*
 Printed for
Robert Clavel
 1681.

“light. And last of all, because notwithstanding all this Care
 “to Vote down this *Assessment*, they were fain to have re-
 “course to the King, for obtaining of an Act of Parliament
 “to secure them from it for the time to come. This we are
 obliged to that worthy *Dr.* for.

Heylyn 16. p.
314

Mr. L'eftrange. us,

But notwithstanding, they made it their business to inroach upon his Prerogative, His Majesty could not lay aside his property to be Gracious; and though some members of the House of *Commons*, in His *Third* Parliament, (being imprisoned for the refusal of a loan) brought with them both a *Power* and *Will*, to avenge themselves by the restraint of his Prerogative: yet was he so melted into tenderness by a Grant of some *Subsidies*, that he bid his Secretary tell them, *He would deny them nothing of their Liberties, which any of his Predecessors had granted to them*; and finally in the close thereof, He enacted the *Petition of Right*, and made it pass into a *Law*: Of which that Historian tells *That never Arbitrary Power since Monarchy (was) first founded did so, Submittere fasces, so vail his Scepter; Never did the Prerogative, descend so much from perch to popular lure, as by that Concession.*

B. P. 248.

But having prevailed upon his goodness to take himself down thus low, they were resolved to keep him under; for, having brought him to this pass, saith my Author, how easily did they (through their importunity, or rather violence) gain from him several *Acts*, for suppressing the Authority of the *Clerke of the Market*, and the Court of *Straneries*, for retrenching the Preambulation of the *Forrests*, and repealing the old *Acts* for Knight-hood; and finally (not to say any thing of the *Militia*, with the *Forts* and *Navy*, wherein they had not his consent) with what a strong hand did they draw him to the abolishing of *Ship-Money*, the *Star-Chamber*, the *High-Commission*, the Courts of the *Marquess* on the North, the Jurisdiction of all the Ecclesiastical Courts, some privileges formerly enjoyed by the Council Table, &c. But this is not all: For,

Having driven him away by Tumults, they endeavoured by Remonstrances, Declarations and Propositions, to make his Return impossible. In June 42. the faction sends a Petition with *Nineteen* Propositions to his Majesty, many of which his Majesty declared he could neither in Honour or Conscience consent

sent unto. One of which saith the Royal Martyr, (in his Chapter of the nineteen Propositions) was, *To bind my self to a general and implicate Consent to whatever they shall desire or propound; which were as if Sampson should have consented not only to bind his own hands, and cut off his hair, but to put out his own eyes, that the Philistians might with the more safety mock and abuse him; which they chose rather to do, then quite to destroy him, when he was become so tame an Object, and fit occasion for their sport and scorn.*

But by this time, the Faction (having drawn the Seditious part of the City and Country in to their Alliance) began to entitle themselves to a share in Sovereignty, and a Coordinate Power with His Majesty. And that, *Coordinate se invicem supplent*, such Powers as are Coordinate may supply the defects of one another, being a most undoubted Maxime in the Schools of Logick, the two Houses take upon them to act without the King, and against him; then a part of both Houses oppose the King and all the rest; and at last the Factionous part of the Commons exclude the Lords. And to give themselves some Colour of Authority, (1648.) they pass this Vote, *That the Representative of the People in Parliament have the Supreme Power of the Nation: and whatsoever is enacted or declared for Law by the Commons in Parliament, hath the form of a Law; and the People are concluded thereby, tho the Consent of King and Peers be not had therewith.*

Because Coordinates can supply the place of one another; The two Houses take the Rule upon them without (and against) the King; Then a Part of both Houses: Then the Commons excluding the Lords. And having raised an Army and seized the Militia by Sea and Land, possess themselves of His Majesties Towns, Forts and Castles; and proving successful in their attempts, They presumed Their Power was incontrollable; and then They call the King to an account (*Horresco referens*.) tho the Law says, *The Parliament may not give judgment against the King*, If we may believe their Darling Sir Edward Coke*: And there is good reason for it; For if the Breath of the Kings Nostrils was necessary to give them their Being, it is a little irrational to suppose, they could thence derive a Lawful Power to destroy the Author of their life: besides (as a very, ingenious Person argues)

Parem non habet Rex in Regno suo. Omnis sub eo est, & ipse sub nullo nisi tantum sub Deo.

Ea quæ Jurisdictionis sunt & pacis ad nullum pertinent, nisi ad coronam & Dignitatem Regiam, Nec a corona separari possunt. Bracton.

* Instit. 2. v. Shep. Abridg. tit. prog. p.

The great point of Succession Discus-

how can it be supposed they could proceed justly to pass a final sentence upon Him, whose concurrence was absolutely required to give birth to any Law which might concern His Meanest Subjects, tho they thought it never so convenient?

Yet such Doctrines were spread abroad by many of their Schismatical and Seditious Divines, especially by their Proud, Bold and Heady Chaplain Mr. Baxter. For, taking it for granted, that the Sovereign Power, by the Constitution of this Government, is divided between the Prince, and Senate, (by which he expresseth himself in many places of his Pamphlets and Writings, to mean the House of Commons) He saith, *That the Legislative Power being divided between a Prince and Senate, the Prince invading the Senates Right, (tho 'tis evident the Senate he pleads for were the Aggressors) may justly be resisted, and lose his Right; Nay and his life too; and he thinks they could never ingage an Army to defend them upon other terms. And these Doctrines do not drop from his Pen by chance and without advisement; for he repeats it over and over upon all occasions in his Writings, as you may find them collected to your hand in the Book mentioned in the Margent. If the body of a Commonwealth, or those that have part in the Legislative Power, and so in the Supremacy, should unwillingly (but the Faction he pleads for were designedly) ingaged in a Warr with the Prince, and after many years Blood and Desolation, judicially take away his Life, as guilty of all this Blood, and not to be trusted any more with Government; and all this they do not as private men, but as the remaining Sovereign Power, and say they do according to the Laws: (and what Rebel or Traytor will not say so?) undoubtedly the case differs very much from Papists Murdering of Kings. If you be not already sick of this Seditious Doctrine, Ple give you a little more; He saith, That the Law that saith the King shall have the Militia, supposeth it to be against Enemies, (and are not Rebels and Traytors such;) and not against the Commonwealth, nor them that have a part in the Sovereignty; and to resist him here, is not to resist Power, but Usurpation and private Will. And where the Sovereignty is divided into several hands, as into King and Parliament, and the King invades the other part, they may lawfully defend their own by Warr, and the Subject lawfully assist them; yea tho the Power of the Militia be expressly given to the King, unless it be also expressed that*

See. The
History of Se-
paration the
2d. part. pag.
11. 54, 55, &c.
passim.

it shall not be in the other. Holy Commonwealth. *Thes.* 363.

And this Mr. Baxter delivers not as his own single sense; "for he tells us, "Surely it was the Judgment of the Parliament (so he calls any thing that pretended to a Power to oppose the King) upon the division (between the King and them) the Power was in them to defend themselves and the Commonwealth, and suppress all Subjects that were in Armes against them: and that those that did resist them, did resist the Higher Powers set over them by God, and therefore were guilty of the damnation of Relifters.

Quo teneam nodo.————

What Law or Gospel can secure the Rights or Life of Princes from the *Distinctions* of this Seditious *Casuist*.

What Prince can be in love with any Parliament of this Complexion? Wherefore They, who publish such Doctrine, and make so close an Application and Use of it in their Practice, have the greater sin, and are the greatest *Enemies* to Parliaments.

For our present *Gracious Sovereign* (whom God long preserve in health and happiness) their usage of him is fresh in every mans Memory. When the Lord return'd him from his *Exile*, then were we like unto them that *Dream*. All Loyal hearts were warm'd with joy, and the Factious Child with guilt, no less than with their old fears and jealousies. This kept them quiet awhile: but as soon as the *Act of Oblivion* had secured them against those Fears, and the King had taken many of them into his warm Bosome, then the (lately benum'd) Serpent began to Hiss and shoot out his Sting anew. And being well read and practised in the Arts of Disimulation and Wheedling, they soon felt how the Pulse beat in every Party, and began to work upon the Weakness of some, and the Discontents of others, whose Ambition or Avarice had met with disappointments.

When they had mustred up their Numbers and came to know their own strength, then they began to strike up, *The second Part to the same Tune of Forty One*. And altho the Title was not now set up at the House of Commons *Dore*, as it was then, *A King and no King*; yet the Play was the very same, which they were Acting within (as many of us can very well remember) with the
addition

addition of some new *Scenes* and *Actors*. And so eager they were in the pursuit of their Design, they were resolv'd to sacrifice any thing to carry it on, 'as their own *Votes* and *Speeches* have inform'd us.

What regard they had to the Honour of the Nation, we may easily Calculate from Their neglect of *Tangier*; the preservation Whereof (considering the Circumstances 'twas in) was no less a *Wonder* than the *Mole* erected there; Which *Divine Providence* reserved for the Glory of His *Majesty* to accomplish.

And whereas, of Antient times, it was no less the *Generosity*, than the Duty and Affection of *English* Subjects to raise their Contributions freely to support the *Crown*, now of late, through the insinuation and contrivance of evil men, These *Aides* and *Subsidies* are never granted, but to make a *Merchandize* of it.

For they are afraid the burden of the Crown should oppress the *English Liberties*, (tho the truth is; *These Liberties* have met with very favourable Seasons to shoot forth: and the Branches thereof have been *Complicated* and imbellisht with so much Artifice by a cunning hand, that they are come to a pretty Convenient *Head*, to emulate the Crown it self, if not affront it: And to make this *Luxuriant Tree* the more useful, every man, at the price of a single shilling, may have it Planted at his own door, to shelter him from almost all the Storms and Thunder of the *Penal Laws*, and *Coercive Government*.) For all this, I say, They are afraid, the weight or dreeping influences of the Crown should quench the growth of their *English Liberties*. Wherefore they attempt, as fast as they can, to pluck away the *Massie Flowers* of it; And filling up their places with sharp *Crosses*, They encircle it with a Wreath of thorny *Cares*, that it may sit uneasy upon their Princes Head, and make him the more willing to let them pull it off.

Though it was our Saviours charge, that we should *Render unto Caesar the things that are Caesars*, pointing at the very *Tribute-Money* which bore the *Stamp* of *Caesars Image* and *Superscription*; And tho the great Apostle accounts such *Tribute* a *Debt*, that belongs to *Caesar as Gods Minister*, to support the *Charge* and *Honour* of a Divine Vicegerency, yet our *English Liberties* teach

English Liberties.

Rom. 13. 6.

teach us other things. We say the King can have none of our *Estate* without our own *Consent*: And to be sure, We have a *Free-born-People*, that will never give him their *Consent* to any *Money-matter* unless they see *Good Reason* for it. The *Body-Politick* is very apt to breed the *Kings-Evil*: His Majesty could heal it with a *touch* of his *Prerogative*, but 'tis Resolved, *No Cure, No Money*; Nor indeed will they trust him, (who has the best Reason to know it) to judge of the *Distemper*. They know their own *Grievances*, and those are the things they are concern'd for.

There is an odd *Constitution* called a Church, and this, they say, is a *Divine Establishment*; and the *Godly party* can make no *Effort* upon the Government by their *Common-Wealth-Principles*; but this *Church-Party* are ready to twit them for disloyalty, for *Schism* and *Sedition*; they cast them in the teeth with the Oath of *Allegiance*, and reproach them with the *Severe Homilies* against Rebellion. Verily this is a great grievance to the *Godly-party*. (tho the Prince Himself may think otherwise.)

And indeed, *Monarchy* it self is the *Sum Total* of All that Party can complain of; and 'tis not long since they *opposed* it as a *Grievance*. And let us not believe they can so easily forget their old *Sentiments*. Can they ever travel with so Noble a *Design* as to make the Crown *Flourish*? No, no, They will do all they can to *tarnish* the Splendour, and *wither* the Beauty of it: They make it their business to shrink up the *sinews* of the Royal Power, and to *Cripple* the Government; And when by an obstinate denial of all timely *Aide*, they can bring it to pass, that the King cannot *stand* without them, then they will *set up themselves*, and Govern in *Aid* of him (as the *Spencers* would have had it) and that shall be in lieu of all future *Subsidies* to their Prince. And to this end they will hang their own *Arbitrary Padlocks* upon our private Pockets, that whatever our *Duty* and Affections may oblige or prompt us to, it may not be in our Power (if they can help it) to relieve our Prince in his greatest exigence.

If this be not the *Design* of that Party, what mean those His Majesties
 endearing *Votes* of the seventh of *January*, 1681. as follow- Declaration.
 eth. 1681.

Resol-

Here they put Padlocks upon our Pur-
ses, and allow not a Dominion over our own
Estates; is not this Arbitrary?

Resolved, That whosoever shall lend or cause to be lent by way of Advance, any Money upon the Branches of the Kings Revenue, arising by Customs, Excise, or Hearth-Money, shall be adjudged to hinder the sitting of Parliaments, and shall be responsible for the same in Parliament.

Resolved, That whosoever shall buy any Tally of Anticipation upon any part of the Kings Revenue, or whosoever shall pay any such Tally hereafter to be struck; shall be adjudged to hinder the sitting of Parliaments, and shall be responsible for the same in Parliament.

Were not these very endearing Resolutions? What Prince would not hugg such a Dutiful House of Commons for them? That Party that could take the Confidence to pass such Votes about the Revenue of their Sovereign, without all question, would have seized it into their own hands, if their Association-Army had been ready for it.

But notwithstanding all this, His Majesty is as an Angel of God, to discern betwixt a prevalent Faction, and the Convention of the Three Estates duely qualified; and therefore he was pleased in His Gracious Declaration, to give us this Caution: Let not the restless Malice of Ill Men, who are labouring to poison our people, (some out of fondness of their Old Beloved Commonwealth-Principles, and some out of anger at their being disappointed in the Particular Designs they had for the accomplishment of their own Ambition and Greatness) perswade any of our Good Subjects, that we intend to lay aside the use of Parliaments: For we do still Declare, That no Irregularities of Parliaments, shall ever make us out of love with Parliaments, which we look upon as the best Method for healing the Distempers of the Kingdom, and the only Means to preserve the Monarchy in that due Credit and Respect, which it ought to have both at home and abroad.

This is his Majesties Gracious Declaration, Sense and Temper, and all Good Subjects will readily subscribe to it, and follow such a pattern.

But for all this (being upon this inquiry) are not they Enemies to Parliaments, who give the highest provocations that may be to set the Church against them? yet this hath been done by that Fanatick Party. After such great pretences and brags of their own Care and Zeal for Religion, one would have expected,

pected, that (had they not laid down their estates at the Apostles feet) they would have opened their purses and laid out (at least, as *Ananias* and *Saphira* did) some part of it, for ostentation; that they would have bought in all Impropropriations, and laid them again to the Church for the encouragement of *Orthodox* and faithful Ministers: but we were egregiously deluded in this expectation. "The Rights and Privileges of Holy Church, confirmed in the very first Article of *Magna Charta*, and "sworne to by all Kings Succeeding, were never so infringed, "as by that *Act* of Excluding the Bishops from sitting in the "House of *Peers*: Where assuredly they had fate longer, in "their Prædecessors, than any of the *Lay-Nobility* in their Noblest Ancestors; and had as good right of Sitting and Voting there, as either the Prærogative Royal, or the Laws could give them. But the Design of that Party was to pull down the best Reformed Church in *Christendom*, and so they did. And altho they let in upon us an *Inundation* of all Opinions, Sects and Heresies (to the Scandal of all Forreign Churches, and the reproach of Christianity) yet our late *Pretenders to Reformation* were so far from taking warning at that mischief, that they made it their business to lay all *Waste* and *Common*. For those many wise and sober Acts, which our Ancestors, with great deliberation and prudence had been contriving ever since the first Reformation, and established for the Security of this best of Churches, and the most Apostolical and Primitive Religion; This Party had design'd to cut them all off at one fatal blow, by a hasty *Bill* of some few dayes standing; which had it taken effect according to their Projection, had most infallibly blown up this Established and Reformed Religion; For then a *Converticle* would have been planted at every Church door, to intercept and distract, nay, to divide and confound us in our Publick and Solemn Meetings. Whereupon, to my own knowledge, some of the wisest of the *Roman Catholicks* do look upon the defeat of that *Fanatical Party* in that attempt, to be no less Miraculous for the *Preservation* of this Church, then his Majesties Happy *Return* was for the *Restoration* of it. And for this so Miraculous a preservation of this Church, from that Fanatical Design, next and immediately under Divine providence, (as far as ever I am able to understand) we are solely

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p. 60.

obliged to thank the tender care of our most Gracious King. By which pious and worthy Deed, He hath most eminently deserved, as well as justified, his own Title, *The Defender of the Faith*, and shewn himself a true *Nursing-Father* of the Church.

For those *Chaplains*, which were set up by this *Faction*, the encouragements they gave them, were not for preaching Peace and *Righteousness*, not for Propagating the *Gospel*, as was pretended, but *Sedition*; which how effectually they performed, He that list, may read, in the *First* and *Second* Part of the *Dis-senters Sayings*, or *Evangelium Armatum*, to which I refer the Reader for his better satisfaction. And

For the *Papists*, this sort of men have no such aversion to them, but upon occasion they are ready to take Sanctuary among them; For Mr. *Baxter*, in his first *Plea*, p. 233. tells us, *It is but reasonable, if on such necessity they should accept of favour from any Papist that should save them (viz. from the Penalties of Conformity.)* By which (says an ingenious Author) the Reader may judge, who is a greater friend to Popery, the *Old Protestants*, who have made Laws to keep it out; or the *Dis-senters*, who would destroy those Laws to let it in.

Now when a sober and learned Clergy have with great pains, & to as great satisfaction, justified the present establishment of the best of Churches, in her Doctrine, Liturgy, and Government, How can they be well pleased to see a *Faction* (tho under the protection and Countenance of both Houses) so scornfully neglect a *Convocation*, the Legal and Signal Instrument of our Reformation, and carry on *Debates* about Church-Matters to such a prodigious height of extravagancy, as has exposed us more than ever, among our enemies, to the Reproach of deserting the Practice of the *Catholic Church*, to give our selves up to the *Defultory Votes* of a Parliament, or (which is all one) to embrace a *Parliamentary-Religion*?

How violently did this Party fall upon the *Synod* of 1640. which consisted of as Learned and Pious men as ever met in such a Convention, and made as Prudent needful and seasonable *Ca-*

Observ. from
p. 176 to 198. *nons* as ever were extant? "Poor men, says Dr. *Heylyn*, to
"what a distress were they brought? in danger of the Kings
"displeasure if they rose, of the Peoples fury, if they sate; in
"danger

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"danger of being beaten up by Tumults while they were at
 "the work, of being beaten down by the following Parliament,
 "when the work was done; and after all, obnoxious to the
 "lash of Censorious Tongues for their good intendments. For
 "notwithstanding their great Care, that all things might be
 "done *with decency, and to edification*, every one must have his
 "blow at them. And they were encouraged hereunto by this
Faction. Nor can we forget the *Eleventh Persecution*, (as it was
 called) carried on against the most *Conformable, Orthodox, and*
Eminent of the *Clergy*, with Barbarous rigour by Mr. *White* and
 his *Committee*, under the Parliament of *Forty One*. If any of those
 suffering Gentlemen became *Enemies* to Parliaments, I need not
 tell you who made them so; and your own Reason will tell
 you, they that did this, were the Parliaments first and greatest
 enemies; for *Per quod inimicū quodque est tale, id Magis est tale*.

And if the *Generallity*, of the most Loyal and Sober *Commons*,
 have an *aversion* to Parliaments, 'twas the same *Phanatick-party*
 raised it in them. And are not they great enemies to Parliaments,
 who make the Constitution a terror and a grievance to the Subject.
 The Devil is call'd a *Roaring-Lion*, and a *Destroyer*; and why is he
 represented so terrible, but to make us hate him? we are told that
Rulers are not a terror to good Works, but to the Evil: if thou doest well, be not afraid of the Power. But
 when the *Power* is set up *Paramount* to all Law and Equity,
 and they that should encourage it do make themselves a scourge
 to *Loyalty* and *Obedience*, they become a terror to good men
 and the very best of Subjects. Hereupon the Author of the
Remarques upon Julian, tells us, "*I cannot but with Horror re-*
 member the *Tyrannical and Oppressive Authority* which the
 "*House of Commons* durst usurp over their fellow-Subjects: how
 "many of us were persecuted by their Ban-doggs and Pursui-
 "vants? how many, that knew not so well the Charter of
 "their Liberty, were forced to yield Obedience to their un-
 "warrantable and peremptory votes, led in Captivity shameful-
 "ly several miles through their Native Countrey up to *London*,
 "Committed to illegal and chargeable prisons, harrassed with
 "Arbitrary fines or censures, brought on their knees, forced to
 "undergo the basest forms of submission, unworthy the Ho-
 "nour of the *English Liberty*; and all by an usurping and un-

Vindicated of his
R. H. Pag. 7.

Ms. 3.

" warrantable Power, whom they had never offended, and against whom no offence lay! I hope, *says He*, we shall feel the scourge of such a Tyranny no more. I hope it will never come to that, that we of the Countrey, who send up Members to serve for us in the great Convocation of the Kingdom, shall stand in awe of the Power we trust 'em with: all: I hope they are to sit there for our good and our peace: not for our terror.

And yet ~~is it~~ not a Common thing for the most stubborn *Non-Conformists* to threaten even such as are in Authority with a Parliament? and upon what account, but because they Prosecute them for their misdemeanors, and inflict the penalty of the Laws upon them for their disobedience? Do but check a *Protestant* of the *New Edition*, for despising Dominions and speaking evil of Dignities; and he'll tell you, we shall have a Parliament. Tax a *Conventicle*, tax an *Associator*, tax an *Ignoramus-Jury*, tax the most malicious and injurious *Republican*, They'll tell you *We shall have a Parliament*. Is not this the way to make them a terror unto Loyalty? If we thought they would prove, what the men that use these *Menaces*, would have them, we should be far enough from having any fondness for their Convention. For who can have a true value for such as are set up to be a terror to their virtue. Such therefore as use these threatnings, and much more such as suggest for *Precedents*, those matters of *fact* (which have been lookt upon with horror in all Ages) are to be condemned as the greatest *Enemies* unto Parliaments.

I confess, what you say is true, we should hide the nakedness of our Fathers, rather than expose it: *Shem* and *Japhet*, received a signal Blessing for it: but that story is very impertinent in this Case. We are not now to treat a Patriarch, but our *Representatives*, in whose miscarriages we are concern'd, and so much the more, when they are committed against our King, the Father of our Countrey. Shall we see the *Beacon* on fire and take no notice of it? May we not enquire, when we find a Gracious King displeased, and our own expectation disappointed. May we not then enquire into the grounds of it? This sure, we are obliged to do upon a double account, that is, as well for the Justification of our selves, as for a Caution to posterity. For,

1. Silence

1. Silence would argue consent; and I hope you would not have us bid them *God-Speed*, in their heats and violences, much less in their exorbitances against all Law, and in their notorious undutifulness to their Sovereign. In matters of Fact, when the proceedings are irregular, we must reflect upon them, that we may disown them; and we are obliged to disown them, that we may discharge our selves, and throw all the guilt upon such as have deserved it. We hope the Body of a Kingdom has as much Power and Right as you have taught a Petty Jury.

2. And some care should be taken for *Posterity*: *Dies Diem docet*: We are to make the best we can of a bad market; and the best use we can make of a *Past-miscarriage*, is to turn it into *Caution* for the future. Why are *Sea-marks* so carefully set up and preserved, but to prevent a future *Shipwrack*? When we observe that such *Reformado-Commonwealths-Men*, or *Cromwellians*, as have got into the *House of Commons*, have brought their old Seditious Principles along with them, and steer their Course (in all *Debates*) by their old *Card and Compass*, to mislead others, and drive the Vessel they are imbarqued in upon *Rocks and Quicksands*; certainly 'tis our Duty, in prudence, to take notice of it; that in future *Elections* of Members for that great service, we may not instead of a *Worthy Patriot*, make choice of an *Incendiary*.

'Tis true, in some sense, They ought not to be questioned for their freedom of Debating in the House, where matters are fit and allowed them to debate of. But it would argue too great a want of modesty to beg freedoms of speech of His Majesty, and then to take the rude Liberty to reproach him. To spit in his Face, who has given me leave to open my Mouth; every Man of common sense will condemn to be no less rude and unjust, than disingenuous and ungrateful.

If therefore, they shall vent themselves in such expressions as may become Seditious, when they come to influence the Common People, certainly if they publish them (which cannot be construed but to be to that effect) they ought not to be past over as *Innocent*; and 'tis a signe the King has few Friends in the House, or at least, that the *Major* part are not his *Loyal Subjects*, (whatever they may pretend in words of course or complement) if they let such undutiful expressions be made *Popular*,
and

and pass the House without a censure. I am well assured, the practice was otherwise in the Reign of *Q. Elizabeth*, and in the late Kings time, some were justly Fin'd and Imprisoned upon that account; for which you may see the Example of Mr. *Morrice*, in the account Mr. *Townesend* has given of the *journal* of Parliaments in some years of that *Queens* Reign, and in the Observations of Dr. *Heylyn*. P. 95, 96.

That we should not speak evil of the Dead, has some truth and piety in it: but I do not think, the *Tory-Plot-Monger* takes his measures aright, when he applies it to a dissolved Parliament. For when the *Dispute* was about the Body of *Moses*, if the Devil cries it up so High, as to have it worshipped, I hope it is no offence to the great Law-giver to say, he was subject to *Infirmities*; and for all this, if the Devil will yet insist upon't, to have such honour bestow'd upon him, as is no way due to him, sure though *Michael* bring no rayling *Accusation*, He may be allowed to say, *The Lord Rebuke thee*.

When men die, Charity should bury their evil Deeds with them. But if fond and superstitious men will *Canonize* their *Memory* so far as to make their very *Errours*, and the very worst of *Actions* become precedents, 'tis no *Sin* but *Duty* to call them to remembrance, and *remark* them to Posterity.

Sir, I beg your pardon, in that I had almost forgot the pretended *Sovereignty* you mention, tho indeed 'tis scarce worth the remembring: Whatever the *Late* Practice of that *Party* hath assum'd, if I mistake not, Mr. *Baxter* hath been the *Principal* Herald at *Armes* that has proclaimed it, (and he is audacious enough to publish any thing.)

I confess there is a *Sovereignty* in Parliament, as it is the *Supream Court* of *England*. But when we speak of the two *Houses*, and much more, if we speak of the *Commons* in *distinction* from, and *opposition* to the King, there is no such *Sovereignty* belongs to them.

The Statute of 25. *Hen.* 8. c. 21. saith thus, in the preamble of it, *Whereas His Majesties Realm Recognizeth no Superiour under God, but only His Majesty*. If the whole Realm recognize no other Superiour, do *They*, by their *Election* of Members for Parliament, set up so many new *Sovereigns* over Themselves? Is the whole Realm under the King as their only Superiour, and

and are their *Representatives*, presently, *Hail-Fellow-Well-met*, with his Majesty? Who sends abroad *Ambassadors*? Who makes *Peace* and *War*? But we need not travel from home for *Marks* of *Sovereignty*: Who has the command of the *Militia* by Sea and Land? How come the two Houses to sit together? Do they sign *Warrants* with their own *Signets* to Summon or Dissolve *Themselves*? No, these are marks of the Kings *Prerogative*, and a branch of His *Royal* Sovereignty, which the House of *Commons* share as little in as they which sent them; which is *not at all*.

We are told, that King *James* once said in a time of Parliament, (but whether in way of *jeer*, or otherwise, who can tell,) "That there were now five hundred Kings besides himself. "Tho great advantage have been made of those words, yet to "any man that rightly understands the constitution of an *English* Parliament, the *Commons* are so far from being either *Observat. pag.* "Lords or Kings, that (Dr. *Heylyn* affirms) they are not so 58. "much, as a part of the *Supream-Council*; it being easy (saith "He) to be evidenced out of the *Writ*, which commands their "attendance, that they are called only to *consent* and *submit* to such Resolutions and Conclusions as should be then and there agreed on by the Kings great Council, or the great Council of the Kingdom. The word of the *Writ* import no more.

Ad faciendum & Consentiendum his, quæ tum ibidem de Communi consilio dicti Regni nostri (favente Deo) contigerit Ordinari. Before *Henry* the 3d. all *Laws* and *Ordinances* passed by the *King* and *Peers*. 1680. The power of the Lords and Commons, pr.

In point of Judicature, the Judgment belongs to the Lords * and the House of Commons disclaim'd * Of the Judicature of Parliament. p. 132 & it (1 *Hen.* 7th.) by Solemn Protestation. Nay He tells us further, That *They* had no Power formerly to judge of the *Electi-* p. 133. on of their own Members. † And perhaps, since there has been such *factions* and violent stickling to make *Parties*, it were happy for the Government, if that were the practice at this Day. † Ib. p. 10. And how came this Change? Doubtless as the *Taxes* came into the Field: The *Crafty* Enemy did it while men slept.

That the *Supremacy* should be divided betwixt the Two Houses is a *Riddle* to me, and that the Power of the Commons should be *Coordinate* with His Majesties, much more. Are they not His Subjects when they enter into the House? How come they

they to put off their Subjection? Does their *Priviledge* exalt them presently *above all that is called God* (by creation and office) and all that is *Civilly* worshipped upon that account? In their *Personal Capacities* we know they are all but Subjects: They all swear *Allegiance* to the King, and if they *Act* otherwise, they are all *forsworn* before God; and when he calls them to *Accompt* he will judge them so. Grant them to be the *Representatives* of all the *Commons*, and in that fence the *Body* of them; yet they must have a *Head*; and if so, yet still they are *Subordinate*. If their *Conjunction* gives them a *share* in the *Supremacy*, at what *Period* of time, by what *Form* of words, or *Symbolical Ceremonies* is that Power derived to them? Why are the Oaths of *Allegiance* and *Supremacy* tendred to them at their entrance of the House, but on purpose to prevent that surmise? And when they are most and best *United* in the House, why do they, in all their *Addresses* to His Majesty, stile themselves His most *Loyal* and most *Humble Subjects*? They should take the Title of His *Partners* and *Associates* in the *Royal Power* if they were *Coordinate*: But the Name of Subjects, and *Faithful and Obedient Subjects* in their *Addresses*, is an utter *disclaimer* of all pretence to such a *Coordinate Power* and share in the *Sovereignty*.

For their pretence to the *Legislative Power*, there is a great deal more made of it, than it will amount unto. Without the Kings Royal Assent, no Law can be made or changed. And without His Assent, no Orders or Ordinances of one or both the Houses (of *Lords* and *Commons*) can be good, to make or change Laws. And this Prerogative of the King (saith Mr. Shepperd (a) in his *Abridgement*) is not grantable over to any other, (whereas the Power of *Judicature* is communicable.)

The Houses, you say, have a *Hand* in the *Legislation*: So hath the *Beggar* in my *Almes*. "When a thing is said to be enacted by the King, with the advice and assent of the two Houses, That *Advice* and *Assent* of the two Houses is their passing and enacting of it, as to their Part, saith the Lord *Hollis*. For to speak properly, No man has a *Legislative Power*, *Originally*, but he whose *Will* is a Law; I say *Originally*; for in process of time, and upon emergent *Compacts*, *Customs* and *Consent*, the Constitution may be otherwise. And so it is said, in the *Preamble* of the Statute of 25 *Hen.* 8. 21.

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"That this Realm is free from Subjection to any Mans Laws, but
 "only such as have been devised, made and ordained within this
 "Realm for the weal of the same, or to such others as by the
 "Sufferance of the King and his Progenitors, the People of this
 "Realm, have taken at their free Liberty by their own Con-
 "sent, to be used among them, and have bound themselves by
 "long Custom to the observance of the same.

But, as I was saying, Originally none has a Legislative Power, but he whose *Will* is a *Law*. And this is the purport of that *Trite* saying among the *Civilians*, *Quod principi placuit legis habet vigorem*: The Princes pleasure hath the Force of a Law; and this appears from the manner of making Laws amongst us, *Le Roy le veut*: The King Wills it shall be so: And this *Declaration* of the King's pleasure passeth it into a Law.

This is the King's Will *fix'd* and *bounded*; and it is in this sense, that *Bracton* saith, *Rex in Regno suo Superiores habet Deum & legem*: The King in his Realm hath two Superiours, *God* and the *Law*. For when the King's Will is *fixt* by a standing Law, that Law becomes, in some sense, Superiour to Him: That is, His *Deliberate* and *Fixed* Will is preferable and Superiour to that which is but *Transient* and *Arbitrary*. And thus, having made a *Grant* of any thing, and tyed up our own Hands by that Means; 'tis an usual saying with us, That such a thing is *not in our power*; because we have already made it over for the benefit of another, and it is become His *Right*, which (then) we cannot divest Him of without His own Consent.

Having laid down this, I shall give my Reasons, why the *Legislative power* cannot properly be attributed to the Two Houses of Parliament.

First, Because every Law is an *Act of Grace* in the Prince; and an *Act of Grace* it must needs be, because it is a *restraint* of his Will, and a *bounding* of his Prerogative. || Hereupon the Preface to *Magna Charta* runs thus; *Henry*, by the Grace of God, &c. Know you, that We of our meer and free Will have given and Granted, &c. What is an *Act of Grace* in the Prince, cannot be an *Act of Power* in the Subject; for that would confound Prince and Subject; which is irrational, inconsistent, and absurd.

Secondly, The Houses properly have no share in the *Legislative power*; because they obtain our Laws by prayer. In making of our Antient Laws, saith Mr. *Selden*, The Commons did *petce*, the Lords *Assentire*, and the King *Concludere*. The Commons did

|| *Dignatur cedere de jure suo Regio*. And he passeth Acts non ex debito justitiae, but ex Gratia. See Antid. of Britain. pag. 108. &c.

Ubi sup. p. 132.

Pray, the Lords did *Assent*, the King *Conclude*. The Lords did *Assent*, not to the *Law*; for it is no *Law* when it is brought to them for their *Assent*: But to the *Petition* of the Commons, to be made a *Law*; and the Lords *Assent* unto it, as a thing that will tend to the Honour of the Crown (whereof they are, or should be the *Guardians*) as well as to the Benefit of the Subject, whom the House of Commons Represents; and on whose behalf they do *Petition*.

Now if the *Petitioner*, tho' never so highly recommended, obtains his Request, yet 'tis very *Catacrestical* to call him his own *Almoner* upon that account; and tho' he reaps the profit of it, yet to allow him a share in the *Authority* and *Grant* of the Benefaction, would be a great *Derogation* to the *Honour* and *Generosity* of the Benefactor.

That this is the Case in making of *Laws*, besides Mr. *Selden's* Authority, we have the *Stile* of our *Laws* at this day to justify it. In the 13 *Car. 2. c. 1.* The *Act* runs thus: We, the Lords and Commons in Parliament Assembled, do most humbly beseech Your most excellent Majesty, *That it may be Enacted* (This is the Lords and Commons part) *And be it Enacted by the Kings Most Excellent Majesty*: This is *Le Roy le veut*, the King's *Fiat* to it, which gives it the *Authority* and *Force* of a *Law*.

Thirdly, Another Argument against their having an (*Authoritative*) hand in the *Legislation* is this: No *Legislator*, that is, no *Sovereign* is under the *Coercive* Power of his own *Law*. But if the Lords and Commons, or any of them shall commit *Felony* or *Treason*; Will their *Membership*, or pretended *Sovereignty* give them a privilege, and exempt them from Prosecution? I trow not. Why do they beg freedom to Debate when they enter the House, if they were not liable, both to miscarriage, and to be question'd for it?

Fourthly, I will conclude this with one Instance, which I am sure is unanswerable. If they have a *Legislative* Power in all Statutes, then in *An Act of pardon and oblivion*. * Do the Lords and Commons (*Authoritatively*) make this? then they Pardon *Themselves*; which is a greater Power than any *Priest* or *Pope* did ever yet pretend to.

But we are to inquire what is to be done to recover that *Veneration*, which hath been ever paid to these Antient and Honourable Constitutions? Certainly Parliaments can never do themselves more Right and Honour, then in bringing such *Seditious*

* 13 *Carol. 2. c. 1.* They Acknowledge it, His Majesties incomparable Grace and Goodness to His People.

Politico'es to condign Punishment; for till such *Principles* be rooted out of our *Politicks*, neither Prince nor Loyal Subject can be safe; nor indeed can the Government stand secure; For such *Maximes* will not only Countenance but *Legitimate* any Faction (if they can make Head and get strength enough) to Subvert it: But that is not All.

To do as we would be done by, if we were in the same Circumstances, is a Rule that will go far, and hold good to all Relations. And there is Another no less Authentick: *Render unto Cæsar the things that are Cæsar's, and to God the things that are God's.*

The things of God are Deposited in His Church; and Hear the Church, saith our Blessed Saviour. The Church is *The Ground and Pillar of Truth* † in England, as well as it was at Ephesus, † where Timothy presided, as *Metropolitan*. This Church (of England) † 1 Tim. 3. 14, 15. † 1 Tim. 1. 3. tho' overwhelmed awhile with an *Inundation of Sects and Heresies*, yet (all the while) stood firm under Water (as a Rock) till those Floods were dryed up or stagnated in *Conventicles*. And they will flow again into the *Bosome* of the Church, or sink into the Earth, and come to nothing.

Hear the Church therefore, as She speaks to you, upon occasion, in *Synods*, or (which is all one) in *Convocations*: Hear Her in her *Doctrine*; Hear Her in her *Liturgies*, wherein She speaks to you continually; & Hear Her in her *Discipline*, wherein She is ready to speak to you, as soon as you are ready to give Her *Audience*.

It was Resolved by the House of Commons in the Parliament at Westminster, Jan. 10. 1680.

That it is the Opinion of this House, That the Prosecution of Protestant Dissenters upon the penal Laws, is at this time, grievous to the Subject, a weakening of the Protestant Interest, an encouragement to Popery, and dangerous to the Peace of the Kingdom.

This *Vote* did not tend to Heal or Unite, but much more to break and scatter us: And the *Jesuites* (who have their *Speaking-Trumpets* in our *Conventicles*, to suggest such *Doctrine* at a distance) will thank them for it.

To restore Parliaments to their due and antient Veneration, They must give God his *Due*, which He demands of us by His Church: And *Cæsar* must have his *Due* too. If any encroachment therefore has been made upon the Crown, let Parliaments take care to redress it. For we shall never be at ease and quiet, till we be reduced to our primitive Constitutions. If it can be truly said, *Ab initio non fuit sic*, from the beginning it was not so, then we must come to that Rule, What is Written in the

* Conc. Nicen. Can. 6.

Law? How readeſt thou? *Τὰ ἐρχαία ἐν κερσίντω*: * Let old Customs be kept; In this caſe, *As you were*, the Souldiers Poſture, will be the beſt for our *Defence and Safety*.

† On Magna Chart. cap. 14.

In our *Magna-Charta*, it is ordered that no Freeman be amerced, but *ſalvo contenemento ſuo*; What *Contentement* ſignifies is ſome queſtion: but that it ſignifies ſome uſeful and commendable thing, that belongs to him is out of all queſtion, *Ne ſuo honorabili Contentemento amitter*; ſaith *Glanvil*. The Law provides that he loſeth not this advantage, (whatſoever it be.) *Sr. E. Cooke* ſaith, it ſignifies a mans *Countenance* which he hath together with, and by reaſon of, his *Freehold*. And they ſay, the *Armour* of a Souldier, and the *Books* of a Schollar, as well as the *Wamage* of a *Vilkein*, (which is named in the Charter) are their countenances.

Now *Books* are not more needful for a *Schollar*, nor *Armour* for a Souldier, than His Prerogative is for the King: He cannot Govern the Realm, He cannot defend Himſelf, He cannot enforce the Laws, He cannot protect the juſt, nor puniſh evil doers, without it. If we allow him to have any *Freehold*, His Prerogative is his *Contentement*, the very countenance of his Maſteſty; and if it were not for that, *He and We* ſhould be at a loſs in a thouſand Accidents.

Salus populi ſuprema Lex, was the old ſaying, *The ſafety of the people is the ſupreme Law*: but it is not the peoples Law, nor are they to be entrusted with the execution of it. 'Tis the *Royal-Law*, which the Prince preſcribes unto Himſelf; and wherein that ſafety of the People does conſiſt, and by what means and methods it is to be preſerved, is in the Princes breaſt to determine. But it cannot be performed, or effectually provided for, without his Prerogative. And therefore tis not uſual with God Himſelf to take any *Amerciament* of a Prince, but *Salvo contenemento*, (as we ſee in the ſignal example of *Nebuchadnezzar* *) and I am ſure 'tis the Subjects Duty to be as careful of the Kings Intereſt as he is of theirs; That the *English-Liberties* may not devour the *English-Monarchy*; And whatever Princes grant, 'tis with this Exception, Of impeaching His Prerogatives, as is to be ſeen in the Statute of *Westminster*. For as much as the King hath ordained theſe things, (viz. this Stat. of *West. 1.*) for the honour of God and the Church, and for the Common-Weal, and for remedy of ſuch as are grieved, He would not that at any other time it ſhould turn in prejudice of him, or of his Crown, but that ſuch right as appertains to him ſhould be ſaved in all points.

Theſe

* Dan. 4. 36.

1 *West. 1.* 48.
3. E. 1.

- These (as the Lawyers tell us) are some "Branches of the
 "Kings Prerogative, 1. That generally *Statutes of Restraint*, || *Skep. Abridg.*
vit. Prerog.
pag. 56.
 "be they in the affirmative or negative, do not bind him,
 "unless he be expressly named: or it be a Statute to *Advance*
 "*Religion*, suppress fraud, or other wickedness.
 "2. That in the construction of a Statute, nothing is to
 "be taken by equity against the King.
 "3. That he shall have Advantage by an *Act of Parliament*,
 "tho he be not named in it.
 "4. That he is favoured in the exposition of any Statute.
 "5. That where an *Act of Parliament* gives any thing to him
 "by the name of King, this generally shall inure to Him and his
 "Successors; so that every King shall have it after him.

It might very well become the duty of a Parliament, (as well as the Generosity of the *English Nation*) & would tend much to the redeeming of their Honour, To restore what has been clipt off the Crown by surprize or fraud; and return what has been taken from the Prerogative by *Duress*, or thrown over-board upon the violence of some *Storm*, or stress of Weather. For, if as all "*Casuits* hold, those Oaths and Promises which are extorted by fear or force, are not obligatory; "I cannot tell why those things which by meer necessity Principles are compeld to, as well for the preservation of their "Body Natural as Politick, should be denyed the priviledg of "being dissolved upon that very score, that other things of the "same Nature are; as is very well argued by the Author of "*The great point of Succession Discuss'd*, page 22.

In a Monarchy of this Complexion, great care should be taken to keep the Ballance even; For in *Hen. 3.* his time: when the Lords were grown too High, it was found and felt, *Quot Domini tot Tyranni*: So many Lords so many Tyrants; And may not the *Commons* grow so great and insolent too, as to Lord over the Prince and Nobles. There can be no doubt of this to such as can remember the proceedings of that Faction, which sprang up in the House of *Commons* in 41. *Sr. Edw. Deering* in the *Collection of his Speeches*, tells us, That, If they could bring the Lords to sit in the House of *Commons*, and the King to be but one of the Lords, then their work was done. And what that was (which was driven home with a witness at last) some of the Noble *Peers* have as little reason to forget as his Majesty.

It concerns us therefore to strengthen the Kings hands, that he

he may be able to Govern and Hold the *Ballance* even; Else when there are *Factions* got into both Houses, and the *Lords* and *Commons* contend who shall sway the *Beam*; they will jostle the *scales* one against another (as they have done too often in our memory) and we shall never be at quiet betwixt them.

But whom may we trust to accomplish so great as well as needful a Work? All *Gentlemen* and *Freeholders*, are concern'd to be inquisitive, and careful that they be not imposed upon, and take false measures.

There are a Generation of men, who have not only a froward *Indignation* against the Persons of their Prince and Governour, but an *Aversion* to the Government it self. This *Antipathy*, and Distemper many times is *Hereditary*, and, like some diseases *Runs in a Blood*, through whole Families; take special heed of such men: For 'tis their Inclination, they have ever don't, and they will ever seek occasion to Embroile us.

Take heed of such as are *Discontented* at their *Disappointments* in the pursuit of their designs of Avarice or Ambition; These Commonly are *Murmurers* and *Complainers*; and 'tis a part of their Character (as well as practice hereupon): They separate themselves, or have a kindness for separation, and therefore are not very like to Unite us. They are mainly in love with novelties and changes, and can hold to nothing that is well settled. How many formes and shapes did they change into, in the late times? New formes of Confessions, of Catechisms, of Discipline, in the Church; till we had not the face of a Church left amongst us. And what changes and formes had we in the Civil State? Instead of King and Parliament of the old Regular Constitution, we had a Parliament without Bishops, then without and against the *King*, without *Lords*; and at last one made up of a *Rump of Commons*; we were under *Keepers* of our *Liberties*, till we had none left to help our selves; at last we were enthral'd under the Arbitrary Power of a *Protector* and his *Mercenary Army*. And to this pass, That *Society* of Reformed *Jesuites*, did designe to reduce us, as is clear in the *Model* of their late *Association*. We have paid dear for our skill in Ringing such Changes; which I hope will teach us to take the *Wise-mans Caution*, *My Son, fear thou the Lord and the King, and meddle not with them that are given to Change*.

Take heed of such as have *Feather'd* their *Nests* heretofore, with Crown and Church-Lands; who have parted with their
Prince

Prince and their Religion to purchase the *Revenues*, which belonged to them; For these having been stript of their unjust *Acquists* by the happy *Restoration* of the King and Church, they will Study to embroile us, if not to recover their lost *Booty*, yet at least to be revenged on the Right Proprietors.

Beware of your Subtile *Politicians*, who will *shift* their *Principles* to gratify a *Party* for their own Ends; For they that can part with Religion and Conscience upon such unworthy *Termes*, will never stick to Sacrifice their King and Countrey to their Interest. And the *Atheist*, who is under no awe of a *Deity*, or the *Powers of the World to Come*, He makes Religion nothing but a *Reason of State* to govern fooles; and He will be sure, rather than run any hazard, to do the like.

And there are a Sett of *Pragmatical*, jealous and designing *Zelots*, who are better skil'd at Creating plots and dangers, than at suppresing or preventing them. These have their Arts to inflame the people's passions, that they may have the honour to allay them at the Charge of the Kings Prerogative. These are generally *Partial* in their *Conformity*, and make choice of a Popular Religion; not to save their Souls, but to inhance their Reputation, and serve their factious interest. They are not *Uniform* in their obedience; but while they pretend to *abhor Idols*, they will make no scruple to *Commit Sacrilege*. They will Court you as your humble Servant, and cut your throat for their own Ends, and the *Good Old Cause* shall bear them out in it.

I must Caution these Gentlemen likewise against *Raw* and ignorant *Novices*, who may follow the Cry of a *Faction* Party, but want *Sagacity* to take the *Sent* of Truth and Justice. I have known some of these, who have resolv'd to *Vote* down divers things, which afterward, (when the *Fit* of Reforming was abated) they have Confessed they did not understand. Such as these will prove *Physicians of no value*; They are not skil'd in the *Pulse*, or Constitution of the *Body Politick*; They may be for violent *Purgings*, *Amputations*, or *Phlebotomy*, as if the *Body* were affected with a *Calenture* or a *Gangrene*, when the Distemper is nothing else but the *Spleen* or a *Flau*s of *Fanaticisme*.

Such as have drawn their Sword against their Prince, no doubt, they have learnt the Rule of their Master *Machiavel*, and cast away their *Scabbard*. These Persons are to be lookt upon as having the traiterous and bloody *Blade* still naked in their hands, ready, if occasion serves, for assault and execution.

Who

Who therefore are by no means to be employed in the Council of Peace, which are to be transacted with all imaginable Calmness. And if the Law does not allow such as *Trade in Blood* (tho it be but in the blood of *Animals*) to be impannell'd upon any *Jury*, wherein life is concern'd, How can it consist with the Prudence of the Nation, to entrust such as have served a *Voluntary Apprentiship in Rebellion*, and glutted themselves with the blood of their Prince and his Loyal Subjects, to Consult about the Termes of our common Safety, or Act towards the Settlement of our Tranquillity? But there are *true Sons of the Church of England*, who pay a strict and constant observance to all the commands of their Ghostly Mother, who have a great Veneration for the Crown, the Laws and Government, and look upon the Person and Majesly of their Prince as Highly Sacred; such men (chosen for our *Representatives*) would study *Religiously* to bring us to a present *Union* and Settlement.

In the mean while, His *Gracious Majesty* hath offered very fair towards it; and if the *Subjects* would carefully, in their *Respective Stations*, perform their *Duty*, there would be little reason for *Complaining in our Streets*. When his Majesty (as much as is possible) endeavours to see with his own Eyes, and hear with his own Eaves, that He may not be surprized to pass Acts either to the Prejudice of his good Subjects, or his own Prerogative; when His Officers are persons of great Skill for their employments, and of known Integrity; when the Laws are duly put in Execution; when Rewards and Punishments, are equally distributed to Encourage Virtue and Correct Vice; what can we desire more?

The rest lyes on our part, let us lay aside our *Factions* and *Animosities*: let us learn to love the *Truth*, and *Justice*, to abhor *Schisme*, *Sedition*, and *Sacriledge*, as much as we pretend to hate *Idolatry*: let us believe Almighty-God, That, *Tooley, is better than Sacrifice*: and let our *Practice* be according to that *Be-liefe*; let us make use of *Religion*, not to make our selves popular, and purchase a baneful Reputation, but to advance Gods Glory; not to save our Estates, but our Souls: let us frequent the Church (and attend to all her Administrations) as the best School of Vertue, and the *Sanctuary* of Devout & Pious Souls; then may we sing *In convertendo*, and rejoyce in the happy return of our Prosperity; Wherein I can Rest with very great Contentment.

S I R,
Your Humble Servant.